

Applicant or Patentee: WESSEL, Elmer A.	Attorney's Docket No.: 33437
Serial or Patent No.:	Filed or Issued:
For: TURF AERATOR WITH UNIBODY CONSTRUCTION CONTROLLED RECIPROCATING TINES	

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN	Industrial Machine Specialties, Inc.
ADDRESS OF CONCERN	603 "L" Street, Lincoln, Nebraska 68508

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled TURF AERATOR WITH UNIBODY CONSTRUCTION CONTROLLED RECIPROCATING TINES by inventor(s) ELMER A. WESSEL described in

- ☒ the specification filed herewith.  
☐ application serial no. \_\_\_, filed \_\_\_.  
☐ patent no. \_\_\_, issued \_\_\_.  
☐

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Name
Address
<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization
Name
Address
<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING	Mr. Nicholas J. Cusick
TITLE OF PERSON OTHER THAN OWNER	Secretary/Treasurer
ADDRESS OF PERSON SIGNING	603 "L" Street, Lincoln, Nebraska 68508

SIGNATURE  DATE 6/10/03

<b>DECLARATION</b> (Original, Design, National Stage of PCT or CIP Application)	<b>ATTORNEY'S DOCKET NO.</b> 33437
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As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TURF AERATOR WITH UNIBODY CONSTRUCTION CONTROLLED RECIPROCATING TINES
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the specification of which: (complete (a), (b) or (c) for type of application)

**REGULAR OR DESIGN APPLICATION**

- (a) ☒ is attached hereto.  
 (b) ☐ was filed on \_\_\_ as Application Serial No. \_\_\_ and was amended on \_\_\_\_\_ (if applicable).

**PCT FILED APPLICATION ENTERING NATIONAL PHASE**

- (c) ☐ was described and claimed in International Application No. \_\_\_\_\_ filed \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any).

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:  
 (complete (d) or (e))

- (d) ☒ no such applications have been filed.  
 (e) ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS PRIOR TO SAID APPLICATION				
Country	Application No.	Date of Filing	Date of Issue	Priority Claimed
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS PRIOR TO SAID APPLICATION				

**PROVISIONAL**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States application(s) listed below:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
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**CONTINUATION-IN-PART**

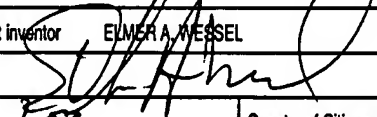
(Complete This Part Only If This Is A Continuation-In-Part Application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a), which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
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Application Serial No.	Filing Date	Status (patented, pending, abandoned)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	ELMER A. WESSEL
Inventor's Signature	
Date - 6/10/03	Country of Citizenship United States
Residence	3330 Manassas Place, Lincoln, Nebraska 68516
Post Office Address	3330 Manassas Place, Lincoln, Nebraska 68516

### ASSIGNMENT

WHEREAS, I, ELMER A. WESSEL, of 3330 Manassas Place, Lincoln, Nebraska 68516; have invented certain new and useful improvements in

#### **TURF AERATOR WITH UNIBODY CONSTRUCTION CONTROLLED RECIPROCATING TINES**

for which I am about to make application for Letters Patent of the United States; and

WHEREAS, **Industrial Machine Specialties, Inc.**, a corporation duly organized under the laws of the State of Nebraska and having its principal place of business at 603 "L" Street, Lincoln, Nebraska 68508, is desirous of acquiring an interest in, to and under said invention, said application and any and all Letters Patent which may be granted for or upon said invention in the United States of America and all countries foreign thereto.

NOW, THEREFORE, to all whom it may concern be it known that for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, I, **ELMER A. WESSEL**, as the sole inventor, have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said **Industrial Machine Specialties, Inc.** the full and exclusive right, title and interest, throughout the world, in, to and under the following:

(a) said invention as fully set forth and described in the application executed by me as inventor preparatory to obtaining Letters Patent of the United States therefor and identified under attorney Docket. No. 33437;

(b) said application;

(c) any and all refilings, divisions, and continuations of said application;

(d) any and all Letters Patent of the United States of America which may issue from said application, refilings, divisions and continuations;

(e) any and all reissues of said Letters Patent of the United States of America;

(f) any and all applications for Letters Patent upon said invention which have heretofore been filed or may hereafter be filed in any and all countries foreign to the United States of America, together with all rights to file and to claim priority in connection with said foreign-filed applications;

(g) any and all refilings, divisions and continuations of said foreign-filed applications;

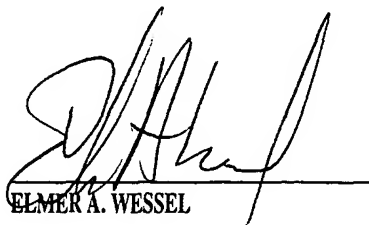
(h) any and all Letters Patent of countries foreign to the United States of America which may issue from the said foreign-filed applications, refilings, divisions and continuations; and

(i) any and all extensions of, and additions to, said Letters Patent of countries foreign to the United States of America.

ALL of the above shall be held and enjoyed by said Industrial Machine Specialties, Inc. for its own use and behoof, and for its successors, legal representatives and assigns, to the full end of the term for which said Letters Patent may be granted, and I do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent in accordance with this Assignment.

Date:

6/10/03

  
ELMER A. WESSEL

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application of: )  
)  
WESSEL, Elmer A. )  
)  
TURF AERATOR WITH UNIBODY CONSTRUCTION )  
CONTROLLED RECIPROCATING TINES )

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Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

POWER OF ATTORNEY

The owner of the entire right, title, and interest in the above-referenced application is Industrial Machine Specialties, Inc. (hereinafter "Assignee"), 603 "L" Street, Lincoln, Nebraska 68508. The undersigned, Mr. Nicholas J. Cusick, Secretary/Treasurer, has the authority to sign on behalf of Assignee.

An assignment of the above-referenced application from the inventor, ELMER A. WESSEL, to Assignee is attached hereto.

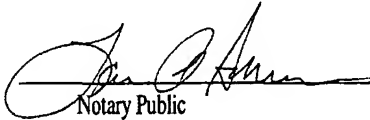
Assignee hereby appoints the following individuals as its attorneys for the purpose of receiving all future correspondence in connection with said patent application and transacting all business in the United States Patent and Trademark Office with respect to said patent application:

Robert D. Hovey	19,228	Tracey S. Truitt	43,205
Warren N. Williams	19,156	David V. Ayres	46,529
Stephen D. Timmons	26,513	Kameron D. Kelly	44,181
John M. Collins	26,262	Gerhard Shipley	45,682
Thomas H. Van Hoozer	32,761	Gregory J. Skoch	48,267
Thomas B. Luebbering	37,874	Leslie L. Lawson	53,185
Andrew G. Colombo	40,565	Jennifer C. Bailey	52,583
Scott R. Brown	40,535	David L. Terrell, Patent Agent	50,576
Tracy L. Bornman	42,347	Jason E. Gorden	46,734
		William J. Jacob	51,173

STATE OF )  
 ) ss.  
County of )

On this 10 day of June, 2003, before me personally appeared ELMER A. WESSEL,  
to me known to be the person described in and who executed the foregoing instrument, and who duly  
acknowledged to me that he executed the same for the uses and purposes therein set forth.

My Commission expires:

  
Notary Public

4-11-03

[SEAL]

